

James M Beecher
 Steven A Branom
 Scott M Williamson
 Theodore H Millan
 Barbara J Boyd
 Geoffrey D Patterson

Law Offices of
HACKETT, BEECHER & HART

2200 Westlake Center
 1601 Fifth Avenue
 Seattle, Washington 98101-1625
 (206) 624-2200
 Fax (206) 624-1767

Of Counsel
 John A Hackett
 Kenneth L LeMaster
 —
 Arthur R Hart
 1929 - 1992
 —
 Office Administrator
 Susan G Bruce

October 16, 2000

Received

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Community Relations
and Outreach Unit

Ms Cindy Colgate
 U S EPA
 1200 Sixth Avenue
 Seattle, Washington 98101

Mr Rick Huey
 Site Manager
 Washington DOE
 3190 160th Avenue SE
 Bellevue, WA 98008

Subject Comments to Proposed Administrative Order on Consent

IN THE MATTER OF Lower Duwamish Waterway
 Port of Seattle, King County, City of Seattle, The Boeing
 Company

Dear Ms Colgate and Mr Huey,

RSR Corporation has the following comments to the proposed DOE/EPA
 Administrative Order on Consent

- 1 The Order should be issued pursuant to 42 U S C Sec 9606(a) and not
 Sec 9604 This is not a matter where a "study" is required The
 Duwamish River and Elliott Bay have been studied for decades.
 Immediate action is called for
- 2 The Order should require the Responsible Parties to provide a report
 within 90 days identifying all locations where an emergency Removal
 Action is warranted.
- 3 The Order should require the Responsible Parties to provide a report
 within 90 days identifying all locations where discharges are currently
 ongoing



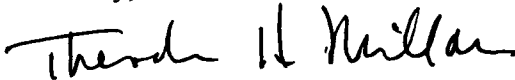
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4. The Order should require the Responsible Parties to provide a report within 90 days identifying all locations where an immediate action such as issuance of a Cease-and-Desist Order, initiation of permit revocation or action for a Preliminary Injunction should begin
5. The Order should not be arbitrarily or politically limited to studying impacts on the Duwamish River, as the Duwamish flows directly into Elliott Bay. The Order should be modified to also encompass impacts on Elliott Bay
6. The Phase I report should include an historical investigation into every person or entity that discharged or potentially discharged any material into the Duwamish River, including Boeing, City of Seattle, King County, State of Washington, Monsanto Chemical, Ford Motor Company, Bethlehem Steel, Isaacson Iron Works, etc
7. The Phase I Report should include all available Sanborn maps for the Duwamish River going back to 1900
8. The Phase I Report should obtain and include copies of all current and past State, Federal and Local discharge permits to the Duwamish River
9. The Phase I Report should obtain and include copies of all current and past NPDES permits.
10. The Phase I Report should obtain and include copies of all current and past monthly water discharge and monitoring reports and all notices of upset
11. The Phase I Report should obtain and include all spill and release records. EPA and DOE cannot know what to sample for until they know every substance that has been discharged into the Duwamish River, for how long, from where, and by whom
12. The Phase I Report should include all Coast Guard reported spills and all ship releases, including the 1978 spill of 250 gallons of 100% PCB's in the lower Duwamish River near Harbor Island when a transformer cracked while being loaded, as reported by the Army Corps of Engineers.
13. The Phase I Report should include all Duwamish River and Elliott Bay sampling results going back to 1900, including all sampling on nearby islands, including Kellogg Island.

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- 14 The Phase I Report should investigate all dredging of the Duwamish River and Elliott Bay since 1900 and identify who conducted and oversaw the dredging
- 15 The Phase I Report should investigate all dredging of the Duwamish River and Elliott Bay since 1900 and identify who conducted, selected, or oversaw the disposal location for all spoils
- 16 The Phase I Report should investigate all dredging of the Duwamish River and Elliott Bay since 1900 and identify who conducted and oversaw all later sampling reports from each disposal location
- 17 The Phase I Report should include the dredging sampling reports identified in paragraph 16 above, including all sampling data
- 18 The Phase I Report should include a report on entities discharging to Elliott Bay, such as by the U S Navy, as occasionally Duwamish River water levels are very low, and have resulted in a reverse flow of salt water from Elliott Bay several miles up the Duwamish River

Sincerely,



Theodore H. Millan
Counsel for RSR Corporation

Cc Howard B. Myers
Matthew Nasuti
Deborah Deitsch-Perez